

Civil Action No. 2:15-CV-107

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II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiff seeks “monetary relief of \$100,000.00 or less.” *See* Exhibit A-2. Additionally, Plaintiff demanded \$93,595.39 prior to filing suit. *See DTPA Demand Letter, attached hereto as Exhibit D.* Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. On the date of this removal and at all relevant times, Plaintiff Refugio Huitron is an individual, resident citizen of Texas.

6. Defendant Travelers Lloyds of Texas Insurance Company is a Lloyd’s plan insurance association and an unincorporated association. For purposes of diversity jurisdiction, the citizenship of a Lloyd’s plan insurance association is determined by the citizenship of its underwriters. *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882-83 (5th Cir. 1993); *see also State Farm Lloyds v. Peed*, No. CIV.A. 3:00CV1696-BC, 2001 WL 513427 (N.D. Tex. May 9, 2001)(“ For purposes of diversity jurisdiction, a Lloyds Plan insurer is considered an ‘unincorporated association’ whose citizenship is determined solely by the citizenship of its underwriters.”).

7. On the date of this removal and at all relevant times, Travelers Lloyds of Texas Insurance Company’s underwriters are all citizens of Connecticut; none of its underwriters are citizens of Texas. *See* Exhibit B. Accordingly, Travelers Lloyds of Texas Insurance Company is a citizen of Connecticut.

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8. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

9. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

10. This Notice of Removal is filed within thirty (30) days after receipt of service (on August 21, 2015) by Defendant of the State Court Action. This Notice of Removal has also been filed within one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

III. PROCEDURAL REQUIREMENTS

12. In accordance with 28 USC section 1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiff through counsel of record and file a copy of this Notice of Removal in the 293RD Judicial District Court, Maverick County, Texas.

13. Defendant reserves the right to amend or supplement this Notice of Removal.

14. The following are filed contemporaneously with this Notice of Removal:

(a) An index of all documents filed in the State Court Action that clearly identifies each document and indicates the date the document was filed in the State Court Action;

(b) A copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date;

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- (c) An affidavit regarding the citizenship of all of Travelers' underwriters attached as Exhibit B;
- (d) USPS tracking information for certified copy of Plaintiff's petition and citation to Travelers attached as Exhibit C;
- (e) Plaintiff's DTPA demand letter to Travelers, dated June 1, 2015 attached as Exhibit D;
- (f) A JS 44 Civil Cover Sheet attached as Exhibit E; and
- (g) A Supplement to the JS 44 for Cases Removed from State Court attached as Exhibit F.

For the above reasons, Defendants give notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: September 17, 2015

Respectfully submitted,

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& BURNS, P.C.
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By: 
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ATTORNEY FOR DEFENDANTS

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been filed with the Clerk of Court using the CM/ECF system and served via facsimile to the following counsel of record on this 17 day of September, 2015:

Bill L. Voss
Scott G. Hunziker
Tyler Bleau
The Voss Law Center, P.C.
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The Woodlands, Texas 77380



ROBERT F. SCHEIHING